

March 30, 2020- DEP Offices close due to COVID-19 health crisis.

An update from MA Department of Environmental Protection on Submittals and permitting:

We hope that you and your families, friends, and colleagues are doing well during this trying time. MassDEP is aware of the operational challenges Conservation Commissions (ConComs) are facing due to various constraints related to the Commonwealth's COVID-19 emergency.

The Baker-Polito Administration is taking steps to provide relief to cities and towns during this period, including an [emergency order](#) suspending certain provisions of open meeting law. In addition, Governor Baker proposed emergency legislation which, if passed, will provide ConComs with relief from certain mandated deadlines (e.g. requirement to conduct public hearing within 21 days of receipt of a Notice of Intent [NOI]) and allow for electronic filing and signatures in certain circumstances: "[An Act to further address challenges faced by municipalities, school districts and state authorities resulting from COVID-19](#)".

MassDEP staff are currently working remotely and the Wetlands Program is "open for business." However, our offices are physically closed until further notice per the Governor's order, so wetlands staff have limited access to the mail. We have developed guidance (outlined below) for ConComs to assist in implementing the Wetlands Protection Act during this period.

We are also in communication with MA Association of Conservation Commissions (MAACC) and MA Society of Municipal Conservation Professionals (MSMCP) and will continue to coordinate and share relevant information as it becomes available. Any new or updated guidance from MassDEP will be posted on our website <https://www.mass.gov/guides/wetlands-information>
As always, if you have an emergency, please call MassDEP's 24 Hour Spill/Emergency Line at 888-304-1133 to report a spill/emergency at any time.

1. Note: for all regulatory filings discussed below, incoming mail will be processed as expediently as possible, however hand delivery is not currently an option at any of MassDEP's offices.
2. MassDEP asks ConComs' assistance in communicating the following guidance to Applicants, who are required by the regulations to submit their wetlands filings via certified mail or hand delivery, to follow the guidance below to avoid utilizing hand delivery.
 - a. In addition to the regulatory filing requirements, MassDEP recommends that Requests for Determination of Applicability (RDAs) and Notices of Intent (NOIs) be sent by email to MassDEP, in accordance with the additional guidance below. (For NOI filings made through eDEP, email should be sent in addition to the eDEP filing.)
3. For Conservation Commissions:
 - a. In addition to the regulatory filing requirements, MassDEP recommends that

Determinations of Applicability (DOA), Orders of Conditions (OOC), and Orders of Resource Area Delineation (ORADs) be submitted by email in accordance with the additional guidance below. (For OOC and ORAD filings made through eDEP, email should be sent in addition to the eDEP filing.)

b. To reduce confusion during this interim period, when filing these documents in accordance with the regulatory requirements, please send the emailed copy at the same time.

c. For emailed documents, the subject line should read as follows:
TOWN NAME – RDA or DOA - Street Address - Applicant Name
TOWN NAME - NOI - Street Address -Applicant Name
TOWN NAME - OOC or ORAD - MassDEP 7-Digit File Number

d. Note: the maximum file size MassDEP can receive is 15MB. For emailed submissions that exceed 15MB (e.g. NOIs), please break them into more than one email, with each email having the same subject line shown above, with 1, 2, 3...etc. at the end.

e. All forms above sent by email should be directed to MassDEP regional offices at the following email addresses:

Northeast: NERO_NOI@mass.gov

Southeast: SERO_NOI@mass.gov

Central: CERO_NOI@mass.gov

Western : WERO_NOI@mass.gov

4. General note regarding 401 Water Quality Certification (401WQC) submissions: Consistent with the intent of the Governor's [proposed legislation](#) MassDEP recommends that submissions related to:

a. 401WQC dredge permit applications be submitted by email to the Boston-based dredge program at: David.W.Wong@mass.gov with the following subject line format: TOWN – 401 WQC DREDGE – Transmittal #

b. 401 WQC fill/excavation permit applications be submitted to the regional email address shown in #3e above with the following subject line format: TOWN NAME- [401 WQC Fill/Excavation BRP WW 10, 11 or other]-Transmittal #

As always, for general questions to the Boston Wetlands Program, please email us at dep.wetlands@mass.gov. We appreciate your cooperation during these difficult times. For further information on the Commonwealth's COVID-19 response, please visit <https://www.mass.gov>.

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